

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD**

**CIVIL APPLICATION NO. 433 OF 2005
WITH
CIVIL APPLICATION NO. 432 OF 2005
IN
SECOND APPEAL STAMP NO. 22750 OF 2005**

Sona Kachru Garud - - Applicant

Versus

Ablas @ Aba Tukaram Garud Died L.R.s

1-A Divakar Aaba Garud and another - - Respondents

Shri K. S. Bhore, Advocate for the Applicant.

Shri S. V. Deshmukh, Advocate h/f Shri S. T. Shelke, Advocate for the Respondents.

CORAM : P. R. BORKAR, J.

DATE : 24TH JUNE, 2009.

ORAL ORDER :

1. Heard Shri K. S. Bhore for the applicant and Shri S. V. Deshmukh holding for Shri S. T. Shelke advocate for the respondents. The application is for condonation of delay of 525 days in filing second appeal. The original suit was for declaration and possession. The decree was passed by Trial Court on 26.09.2001 and appeal against same came to

be dismissed on 01.04.2004. It is stated that the applicant is illiterate person and poor man. It is further stated that he engaged advocate in the First Appellate Court, but advocate did not inform him about the decision of the appeal and therefore he could not know the decision of the appeal until order was passed executing Court in execution proceeding and issued possession warrant. Thereafter applicant approached to his advocate. The reasons are not satisfactory. It is duty of the client to remain in touch with the advocate and inquire about the progress of the appeal. Not being satisfied with reasons, the application is dismissed.

2. In view of dismissal of civil application No. 433 of 2005, civil application No. 432 of 2005 does not survive.

[P. R. BORKAR,]
JUDGE